

REMARKS

Applicant is in receipt of the Advisory Action mailed March 2, 2006. Claims 1-3, 5, 6, 11-13, 15-16, and 19-21 have been amended. Claims 1-21 are pending in the case. Reconsideration of the present case is earnestly requested in light of the following remarks.

Telephone Interview Summary

On March 9, 2006, a telephone interview was conducted between Examiners Gutierrez and Hoff, and Mark Williams (Reg. No. 50,658), in which the art of Hoffberg was discussed with respect to the present invention. Applicant argued that, contrary to the Examiner's arguments, an image *type* cannot provide a signal, and cannot be a signal source. The Examiner's disagreed, arguing that if something else produces a signal *based on* an image type, the image type "provides the signal". No agreement was reached on this issue. Applicant suggested amending the claim to clarify that the input source is an input *signal* source, and to clarify that determining an input source means determining one of the prior operations as an input signal source for the first operation. The Examiner agreed that this would help further prosecution in the case, and suggested filing an RCE with the amendment, which Applicant agreed to do.

Claim Amendments

Claims 1-3, 5, 6, 11-13, 15-16, and 19-21 were amended to clarify the scope of the claimed invention. Applicant also replaced the term "programmatically" with "automatically" to emphasize the fact that the method element is performed automatically by program instructions executed on a processor. No new matter was added.

Section 102 Rejections

Claims 1-12 were rejected under 35 U.S.C. 102(a) as being anticipated by Hoffberg et al. (U.S. Pub 2002/0151992 A1, "Hoffberg"). Applicant respectfully submits that Hoffberg fails to teach all the features and limitations of amended claim 1.

Amended claim 1 recites:

1. A memory medium comprising program instructions for specifying a signal analysis function, wherein the memory medium is in a computer system comprising a display, wherein the program instructions are executable to implement:

receiving user input specifying a first operation, wherein the operation implements at least a portion of a signal analysis function;

automatically analyzing prior operations input by the user to determine one of the prior operations as an input signal source for the first operation, wherein the input signal source provides a first input signal;

performing the first operation on the first input signal received from the input source, wherein said performing produces an output signal;

displaying the output signal on the display; and

performing said automatically analyzing, said performing, and said displaying for each of a plurality of first operations input by the user.

Applicant submits that Hoffberg nowhere teaches **automatically analyzing prior operations input by the user to determine one of the prior operations as an input signal source for the first operation, wherein the input signal source provides a first input signal**. Previously cited paragraph [0880] recites:

[0880] It is therefore an object according to the present invention to provide a programmable control, having a status, *responsive to an user input and a signal received from a signal source*, comprising a controller, for receiving the user input and the signal and producing a control output; a memory for storing data relating to an activity of the user; *a data processing system for adaptively predicting a most probable intended action of the user based on the stored data relating to the activity of the user* and derived weighing of at least a subset of possible choices, the derivation being based on a history of use, a context of a respective choice and the status of the control; and a user feedback data presenting system comprising an output device for *presentation of a variable sequence of programming options to the user, including the most probable intended action of the user, in a plurality of output messages, the output messages differing in available programming options*. (emphasis added)

As argued in the previous Response, which is hereby incorporated by reference, and as may be seen above, paragraph [0880] discloses a data processing system that, in response to user input, anticipates the user's most probable intended action based upon a history of user actions, e.g., viewing preferences for the user. Nowhere does Hoffberg disclose **automatically analyzing prior operations input by the user to determine one of the prior operations as an input signal source for the first operation, wherein the input signal source provides a first input signal**. Applicant respectfully submits that in Hoffberg's approach, as is clear from the cited paragraph, the input source is known, being the disclosed data stream and/or the memory medium storing the compressed data, and so Hoffberg does not and cannot teach this claimed feature.

In the Response to Arguments section of the previous Office Action, the Examiner asserted that Hoffberg discloses "the use of adaptive prediction based on the history of use regarding a user with respect to an image type", and "that a signal is produced that corresponds to a relation between at least one of a plurality of images of compressed data". Applicant submits that these features of Hoffberg are not germane to the present invention. For example, Applicant respectfully submits that predicting a viewing setting for the user based on an image type and the user's history regarding viewing preferences with respect to different image types, where the source of both the images and information characterizing the image types is known, is quite distinct from Applicant's claimed invention as represented in claim 1. More specifically, Applicant notes that Hoffberg nowhere teaches or suggests, or even hints at, automatically determining *one of the prior operations as an input signal source* for an operation, based on an analysis of prior operations input by the user.

Moreover, as noted earlier, the previous Office Action asserted that "this signal is what is being analyzed in the first operation", apparently referring to the indicative signal generated by Hoffberg's controller in response to the user input and the characterization data and/or data stream. Applicant notes that the Examiner attempted to equate Hoffberg's resultant signal indicating a relationship between an image of compressed data and characterized image types with the first input signal from the automatically determined input source of claim 1. However, Applicant submits that the source for this signal is known—specifically, this signal is generated by a controller, whose input

sources (user input and a specified data or signal source) are also known. Thus, the Examiner's asserted equivalence is incorrect and improper.

The previous Office Action further stated, "the Examiner considers the image type is an input source for this operation". As mentioned previously, Applicant respectfully notes that, as is well known to those of skill in the art, an image type is a characteristic of an image, and so is not and cannot be a source for an input signal for an operation. Nowhere does Hoffberg disclose or even hint at automatically analyzing prior operations input by the user to *determine one of the prior operations as an input signal source for the first operation, wherein the input signal source provides a first input signal*. In fact, Hoffberg fails to disclose automatically determining an input signal source for an input signal at all. Applicant respectfully notes that in Hoffberg's system, the sources for data/images/signals are all known, and so Hoffberg actually teaches away from Applicant's invention as represented in claim 1.

The Examiner also previously asserted that Hoffberg teaches "performing the first operation on the first input signal received from the input source, wherein said performing produces an output signal; displaying the output signal on the display; and performing said automatically analyzing, said performing, and said displaying for each of a plurality of first operations input by the user", citing paragraphs [0881] and [0882].

As noted previously, paragraphs [0881] and [0882] describe the input/output interaction between the user and display followed by adaptive modification of the user's viewing preference. Applicant respectfully submits that the cited text does not teach or suggest the iterative automatic analysis, performance, and display for each of a plurality of first operations input by the user, as recited in amended claim 1.

In the Advisory Action, the Examiner proposes an analogy between a light switch and Hoffberg's image type, arguing that although the light bulb produces the light (signal), the light switch makes it available, and so provides the signal. Moreover, the Examiner "considers the image type to provide an input signal if it either supplies or makes available the input signal". Applicant respectfully submits that an image *type* neither supplies or makes available an input signal.

Applicant understands the light bulb/switch system, but respectfully submits that the light switch actually *does* something in providing the "light signal", and thus may be

considered a signal source, since the switch routes and provides an actual signal, while Hoffberg's image *type*, not being a mechanism at all, but rather a *category*, cannot and is not capable of *doing anything, i.e., is not capable of supplying a signal, nor of making a signal available*. Rather, Hoffberg's image type is simply information input to an image processor, which performs an action *in response to this input*. Thus, any signal produced in response to the image type is supplied or made available *by the image processor*. Applicant respectfully submits that the Examiner has attempted to construct an improper analogy, and that Hoffberg's image type is not analogous to a light switch, or any other type of active mechanism. Applicant notes that in the Advisory Action, the Examiner himself states that, per paragraph [0888], Hoffberg describes "an image PROCESSOR receiving as inputs the output from the data storage system and the characterization data memory, and PRODUCING a SIGNAL corresponding to...at least one of the IMAGE TYPES..." Clearly, it is the image PROCESSOR that PRODUCES the SIGNAL. Applicant respectfully submits that, again, the Examiner has mischaracterized Hoffberg. Thus, Applicant submits that Hoffberg does not teach or suggest this claimed feature.

Other distinctions between claim 1 and Hoffberg were described at length in the previous Response, and were not adequately addressed by the Advisory Action. For example, as noted earlier, Hoffberg's signal sources for the controller are known, and so in Hoffberg's system, the signal source is *not* automatically determined, as explained above and at length in the previous Response, which was incorporated by reference above. Thus, Hoffberg's plurality of stored profiles and/or presentations of viewer preferences cannot properly be equated with or imply the plurality of first operations of claim 1.

Thus, Applicant submits that Hoffberg fails to teach all the features and limitations of amended claim 1, and so, for at least the reasons provided above, Applicant submits that claim 1 and those claims dependent therefrom are patentably distinct and non-obvious over Hoffberg, and are thus allowable.

Independent claims 19, 20, and 21 include similar limitations as claim 1, and so the above arguments apply with equal force to these claims. Thus, Applicant submits that

claims 19, 20, and 21, and those claims respectively dependent therefrom, are patentably distinct and non-obvious over Hoffberg, and are thus allowable.

Further novel features and limitations are recited in the dependent claims, however, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

Applicant respectfully requests removal of the section 102 rejection of claims 1-21.

CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-82400/JCH.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☒ Request for Continued Examination

Respectfully submitted,



Jeffrey C. Hood
Reg. No. 35,198
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel PC
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800
Date: 2/13/2006 JCH/MSW